

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JUL 29 2005

UNITED STATES OF AMERICA,

FILED

Plaintiff,

v.

Civil No. 03-79-JD

LAND AND BUILDINGS LOCATED AT 22
WASHINGTON STREET, ROCHESTER, NEW
HAMPSHIRE, WITH ALL IMPROVEMENTS AND
APPURTENANCES THEREON, OWNED BY
DARWIN HADLEY;

\$28,478.00 IN UNITED STATES CURRENCY;

1998 MISC 16-FOOT BOAT, NH0244BC, OWNED
BY DARWIN HADLEY, ID # 03HYD49141;

1998 CHEVROLET BLAZER, MAROON, NH REG.
713614;

and

ELEVEN VIDEO POKER MACHINES SEIZED FROM
123 NORTH MAIN STREET, ROCHESTER,
NEW HAMPSHIRE

Defendants-in-Rem

**ORDER DISMISSING DEFENDANT-IN-REM 22 WASHINGTON STREET,
ROCHESTER, NEW HAMPSHIRE AND FINAL ORDER OF FORFEITURE AS TO
DEFENDANTS-IN-REM \$28,478.00 IN UNITED STATES CURRENCY; 1998 MISC 16-
FOOT BOAT, NH0244BC, OWNED BY DARWIN HADLEY, ID # 03HYD49141;
1998 CHEVROLET BLAZER, MAROON, NH REG. 713614;
AND ELEVEN VIDEO POKER MACHINES**

On February 27, 2003, the United States filed a Verified Complaint for Forfeiture in Rem, seeking the forfeiture of the defendants in rem 22 Washington Street, Rochester, New Hampshire; \$28,478.00 in United States Currency; 1998 MISC 16-Foot boat, NH0244BC, owned

by Darwin Hadley, ID # 03HYD49141; 1998 Chevrolet Blazer, Maroon, NH Reg. 713614; and Eleven Video Poker Machines Seized from 123 North Main Street, Rochester, New Hampshire, based upon alleged violations of 18 U.S.C. § 1955(d) and 18U.S.C. § 981(a)(1)(C). This Complaint, and Notice of Complaint were served on all known potential claimants, including Darwin Hadley, by serving his attorney, Harry N. Starbranch, Jr., Esquire, on March 13, 2003, who had represented that he was authorized to accept service on behalf of his client; Diane Hadley, by serving her attorney, Andrew Cotrupi, Esquire, on March 13, 2003, who had represented that he was authorized to accept service on behalf of his client; and Profile Bank, which was served on March 18, 2003. There are no other known claimants.

Notice of this proceeding was published in the Manchester Union Leader on May 18, 2005, May 25, 2005, and June 1, 2005. The deadline for filing claims by any person notified of this action by publication was July 1, 2005. No such claims have been filed in this case.

Pursuant to the Plea Agreement filed on March 22, 2005, in the criminal cases of United States v. Darwin Hadley, Cr. No. 05-19-01-M, and United States v. Diane Hadley, Cr. No. 05-31-01-M, the defendants have agreed to the dismissal of the defendant in rem 22 Washington Street, Rochester, New Hampshire. The Plea Agreements entered into by the above-referenced defendants also provide for the withdrawal of the claims made by Darwin Hadley and Diane Hadley to the above-referenced defendants in rem and consent to the entry of orders of forfeiture of said defendants in rem.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. That the defendant in rem 22 Washington Street, Rochester, New Hampshire is hereby dismissed from this proceeding;

B. That all rights, title and interests to the defendants in rem \$28,478.00 in United States Currency; 1998 MISC 16-Foot boat, NH0244BC, owned by Darwin Hadley, ID # 03HYD49141; 1998 Chevrolet Blazer, Maroon, NH Reg. 713614; and Eleven Video Poker Machines Seized from 123 North Main Street, Rochester, New Hampshire, hereby condemned, forfeited and vested in the United States of America pursuant to 18 U.S.C. 1955(d), and 18 U.S.C. 981(a)(1)(C), free from the claims of any other party.

C. That the defendants in rem \$28,478.00 in United States Currency; 1998 MISC 16-Foot boat, NH0244BC, owned by Darwin Hadley, ID # 03HYD49141; 1998 Chevrolet Blazer, Maroon, NH Reg. 713614; and Eleven Video Poker Machines Seized from 123 North Main Street, Rochester, New Hampshire shall be sold or disposed of by the Internal Revenue Service, from which amount the Internal Revenue Service shall deduct its costs related to this proceeding in accordance with the applicable law and regulations. The sales proceeds shall be forfeited to the United States, pursuant to 18 U.S.C. § 1955(d) and 18 U.S.C. § 981(a)(1)(C) free from the claims of any other party, and the proceeds shall be deposited into the Department of the Treasury Assets Forfeiture Fund in accordance with Title 31, United States Code, Section 9703(a).

D. That Darwin Hadley, Diane Hadley, and Profile Bank shall bear their own cost of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send four certified copies of this Order to the United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: 7/29/05

James D. Michaud
UNITED STATES DISTRICT JUDGE